

### **REMARKS**

Claims 1-37 are currently pending in the subject application and are presently under consideration. Claims 1, 8 and 27 have been amended as shown at pages 2 and 5 of the Reply. Entry of the claim amendments is respectfully requested as the amended claim limitations are from dependent claim 7 which has been previously examined. As such, the claim amendments would not be the cause of a new search. In addition, claims 13-26 and 32-37 have been withdrawn based upon a restriction requirement.

Applicants' representative thanks Examiner Heffington for taking into consideration the points of distinction between the cited references and the subject claims that were conveyed electronically and telephonically on October 2, 2007.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Election/Restrictions**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I – Claims 1-9, 11, 12 and 27-31, drawn to displaying and modifying graphical indicia representing a user or group of users, classified in class 715, subclass 805; or

Group II – Claims 13-26 and 32-37, drawn to managing, editing and communicating with a user profile, classified in class 715, subclass 745;

Applicants' representative hereby elects with traverse Group 1 (Claims 1-9, 11, 12 and 27-31) for further prosecution on the merits.

#### **II. Rejection of Claims 1, 5, 6, 11, 12 and 27 Under 35 U.S.C. §102(b)**

Claims 1, 5, 6, 11, 12 and 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Glenn, *et al.* (US 2002/0021307 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Glenn, *et al.*, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See*

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject claims relates to presenting graphical indicia representative of a user's status. In one aspect, costs associated with rendering an incorrect image versus the benefit of rendering an correct image can be employed in dynamically rendering the graphical indicia. For example, the system can infer that user's status and select a graphical indicia representative of the status to render. However, if the image incorrectly represents the user's actual status, other users who rely on this indicator of status may take incorrect action. If the user is in a meeting and the indicia indicates that the user is at lunch, another user may decide to call the user, thereby, interrupting the meeting. In particular, independent claim 1 (and similarly independent claim 27) recites *a notifications component that dynamically renders at least one user selected graphical indicia representative of the entity's state, the notification component employs a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state.*

As conceded in the Office Action date August 2, 2007 in relation to dependent claim 7 from which the bolded claim limitation above is taken, Glenn, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claims. Accordingly, this rejection should be withdrawn.

### **III. Rejection of Claims 2, 9, 29 and 31 Under 35 U.S.C. §103(a)**

Claims 2, 9, 29 and 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Glenn, *et al.* (US 2002/0021307 A1) in view of Potter, *et al.* (US 2002/0113797). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Glenn, *et al.* and Potter, *et al.*, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of

obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 2, 9, 29 and 31 depend from independent claims 1 and 27 respectively. As noted *supra*, Glenn, *et al.* does not teach or suggest each and every element of the subject invention as recited in these independent claims, and Potter, *et al.* fails to make up for the aforementioned deficiencies of Glenn, *et al.* Potter, *et al.* discloses various techniques for rendering a graphical image in differing sizes and resolutions to accommodate limited storage and processing capacity of devices. The cited reference fails to disclose any type of utility analysis, in particular, with benefit of rendering a correct image versus cost of rendering an incorrect image. Therefore, Glenn, *et al.* and Potter, *et al.* fail to teach or suggest ***a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state.*** Hence, this rejection should be withdrawn.

#### **IV. Rejection of Claims 3, 4, 7 and 8 Under 35 U.S.C. §103(a)**

Claims 3, 4, 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Glenn, *et al.* (US 2002/0021307 A1) in view of Werndorfer, *et al.* (US 2004/0017396). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Glenn, *et al.* and Werndorfer, *et al.*, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 7 has been cancelled. Claim 3, 4 and 8 depend from independent claims 1 respectively. As noted *supra*, Glenn, *et al.* does not teach or suggest each and every element of the subject invention as recited in independent claim 1, and contrary to assertions in the Office Action, Werndorfer, *et al.* fails to make up for the aforementioned deficiencies of Glenn, *et al.*

The Office Action asserts that paragraph [0066] of Werndorfer, *et al.* teaches ***a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state***. However, the cited paragraph merely discloses that the user can set various time based rules that change the user's status at user set time thresholds of inactivity. These rules do not factor and cost or benefit as asserted in the Office Action. The Office Action attempts to describe an example of cost associated with idle time. This description is not in any way disclosed or suggest in the cited reference. Werndorfer, *et al.* fails to disclose any type of utility analysis, and particularly, is silent regarding and cost or benefit associated with correct or incorrect graphical representation of a user's status. Hence, Glenn, *et al.* and Werndorfer, *et al.* fail to teach or suggest a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state.

Furthermore, claim 4 recites ***an inference component that infers the state of the entity based on extrinsic data***. As conceded in the Office Action date August 2, 2007, Glenn, *et al.* does not teach or suggest this novel feature as recited in the subject claim. Werndorfer, *et al.* is cited to make up for this deficiency of Glenn, *et al.* However, the cited paragraph [0066] of the reference also fails to disclose any type of inference. As discussed above, paragraph [0066] discloses a user setting of rules. The user is establishing fixed rules that the system follows. The system does not attempt to make any inference regarding the state of the user. Inference involves reasoning, for example, by employing some form of artificial intelligence. Werndorfer, *et al.* is silent regarding inferring the state of the user. Therefore, Glenn, *et al.* and Werndorfer, *et al.* fail to teach or suggest an inference component that infers the state of the entity based on extrinsic data.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Glenn, *et al.* and Werndorfer, *et al.*, alone or in combination fails to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claims 3, 4 and 8 that respectfully depend there from), and thus fails to make obvious the subject claimed invention. Accordingly, this rejection should be withdrawn.

**V. Rejection of Claim 28 Under 35 U.S.C. §103(a)**

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Glenn, *et al.* (US 2002/0021307 A1) in view of Yu (US 7,092,992 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Glenn, *et al.* and Yu, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 28 depends from independent claim 27. As noted *supra*, Glenn, *et al.* does not teach or suggest each and every element of the subject invention as recited in independent claim 27, and Yu fails to make up for the aforementioned deficiencies of Glenn, *et al.* Yu discloses an e-mail filtering system that employs an list of approved sender e-mail addresses for a recipient to let through approved e-mail. The cited reference fails to disclose any type of utility analysis, in particular, with benefit of rendering a correct image versus cost of rendering an incorrect image. Therefore, Glenn, *et al.* and Yu fail to teach or suggest *dynamically rendering at least one user selected graphical indicia representative of the state based upon cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state*. As such, this rejection should be withdrawn.

**VI. Rejection of Claim 30 Under 35 U.S.C. §103(a)**

Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Glenn, *et al.* (US 2002/0021307 A1) in view of Kan, *et al.* (US 2003/0088544 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Glenn, *et al.* and Kan, *et al.*, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 30 depends from independent claim 27. As noted *supra*, Glenn, *et al.* does not teach or suggest each and every element of the subject invention as recited in independent claim 27, and Kan, *et al.* fails to make up for the aforementioned deficiencies of Glenn, *et al.* Kan, *et al.* discloses an information retrieval system where providers of information register the types of information requests to which they will respond. The system then matches information requests to providers based upon the type of information request. Kan, *et al.* does not determine the state of the information provider or rendering a user selected graphical indicia representative of the

state of the information provider. The cited reference fails to disclose any type of utility analysis, in particular, with benefit of rendering a correct image versus cost of rendering an incorrect image. Therefore, Glenn, *et al.* and Kan, *et al.* fail to teach or suggest *dynamically rendering at least one user selected graphical indicia representative of the state based upon cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state*. In view of the foregoing, this rejection should be withdrawn.

### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP499US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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